



Home Child Care Facilities

Zoning Ordinance Changes

Zoning Changes: Background

The State issues licenses for care in the home of up to **12** children; however, local jurisdictions are allowed to be more limiting, as has been the case for some time in Fairfax County.

Zoning Changes: Background

Last year, the Virginia Department of Social Services established a change effective July 1, 2012, requiring providers either renewing their State license or seeking their first state license for a Family Day Home (home child care facility) to have the local Zoning Administrator sign a form, confirming that the request is in compliance with local zoning rules.

Zoning Changes: Background

That change highlighted the inconsistency between the County and State regulations, given that many existing providers currently have a State license to care for 12 children without having obtained zoning approval.

Zoning Rules for Home Child Care

“Home child care” is permitted without additional zoning approval only when:

- Care is limited to up to **7 children** in a single family detached home; or
Care is limited to up to **5 children** in a townhome, apartment, or mobile home
(Providers' own children do not count)
- **Only one non-resident assistant** is present

Zoning Rules for Home Child Care

“Home child care” is permitted with additional zoning approval for:

- Additional children (up to 12)
- Additional non-resident assistants

Requires special permit approval from the Board of Zoning Appeals (BZA); or Special Exception approval from the Board of Supervisors in some zoning districts.

Zoning Ordinance Changes for Home Child Care Facilities

Recent Zoning Changes Approved by
the Board of Supervisors:

- Increased the maximum number of children that may be requested to be cared for with approval of a special permit or special exception from 10 to 12.

Zoning Ordinance Changes for Home Child Care Facilities

Recent Zoning Changes Approved by
the Board of Supervisors (cont.):

- **Reduced the special permit
application filing fee from
\$1,100 to \$435**
(special exception application filing fee
remains at \$1,100)

Zoning Ordinance Changes for Home Child Care Facilities

Recent Zoning Changes Approved by
the Board of Supervisors (cont.):

- Revised other standards of review, including giving the BZA additional flexibility in reviewing available parking and drop off space.

“Grace Period” Timeline:

- “Contact with Local Zoning Administrator” forms will be filled out with County zoning rules noted in the comments.
- The State will continue to issue renewal licenses for the existing number of children on the provider’s license, until either zoning approval for that number of children is obtained, or the grace period has ended.

“Grace Period” Timeline:

- Complete zoning applications must be filed by March 31, 2014 to retain grace period status.
- If a provider has filed an application by this deadline, they will remain under the grace period until their application has been fully processed.

“Grace Period” Timeline:

- While a provider is in the “grace period”, enforcement of County rules for numbers of children or assistants will remain **on hold** unless it is determined that there are health and safety risks present upon inspection (*via complaint only*).

“Grace Period” Timeline:

- Zoning staff will work with providers who have more children in care or assistants than allowed without zoning approval to guide them through the special permit or special exception process.

“Grace Period” Timeline:

- Applicants for new licenses or who have changed addresses since their license was last renewed are expected to comply with County regulations immediately and must obtain zoning approval prior to receiving a license for children or assistants above the by-right numbers.

This will be noted in the comment section of the “Contact with Local Zoning Administrator” form.

“Grace Period” Timeline:

Please Note:

Obtaining special permit or special exception approval does not ensure that a new provider will receive a state license for that number of children. These are two different processes.

Contact with Local Zoning Administrator Form

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

CONTACT WITH LOCAL ZONING ADMINISTRATOR

THE FOLLOWING INDIVIDUAL PLANS TO SUBMIT AN APPLICATION FOR A LICENSE TO OPERATE A FAMILY DAY HOME PURSUANT TO § 63.2-100 OF THE CODE OF VIRGINIA.

To Be Completed by Operator of Family Day Home

NAME OF APPLICANT _____

PHYSICAL ADDRESS _____
STREET OR ROUTE NO. CITY STATE ZIP

APPLICANT'S TELEPHONE NUMBER: _____ EMAIL ADDRESS: _____

THE HOME IS LOCATED IN THE COUNTY OR CITY OF _____

APPLICANT IS REQUESTING A LICENSE TO CARE FOR THE FOLLOWING NUMBER OF CHILDREN (NOT INCLUDING CHILDREN WHO RESIDE IN THE HOME): _____

To Be Completed by Local Zoning Administrator

THE ZONING ADMINISTRATOR'S SIGNATURE ON THIS FORM VERIFIES THAT THE APPLICANT HAS INFORMED THE ZONING ADMINISTRATOR OF HIS/HER PLANS TO APPLY FOR A LICENSE TO OPERATE A FAMILY DAY HOME AT THE ADDRESS ABOVE.

Tax Map #	Parcel #	Zoning District
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Printed Name of Zoning Administrator

Signature of Zoning Administrator

Date

Telephone Number: _____

Email Address: _____

Comments: _____

Additional Zoning Changes to be Proposed, Timeline

Another Zoning Ordinance Amendment will be drafted for to the Board to authorize advertisement for public hearings in the Fall:

- To give the Board the option to reduce the special exception application fee for home child care facilities, to bring it into alignment with the \$435 fee approved for special permits for home child care facilities
- To review the special exception application requirements and review standards

Additional Zoning Changes to be Proposed, Timeline

- Approval of this amendment by the Board may or may not occur prior to the March 31, 2014 expiration of the “grace period” for existing providers, therefore those needing special exceptions should prepare their applications in advance.

Additional Information:

Zoning Ordinance Rules
and Amendment Information is Available
on the Home Child Care Facilities Website at:

<http://www.fairfaxcounty.gov/dpz/zoning/homechildcarefacilities>

For Questions About Submitting
“Contact With Local Zoning Administrator”
Forms; Please Contact:

Zoning Administration Division

703-324-1314